

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

## CHARLTON REED TIPTON,

*Plaintiff,*

SA-21-CV-00493-FB

VS.

PHONSO RAYFORD, CHRISTOPHER  
PAULEY, CAPTAIN, TEXAS  
DEPARTMENT OF CRIMINAL  
JUSTICE; RUTH E. TRICE, CAPTAIN  
OF CORRECTIONAL OFFICERS;  
LORRAINE SALAS, GRIEVANCE  
INVESTIGATOR II; ALFRED  
HASSELER, ALBERT PERALEZ,  
MANUEL PUENTE, MANUEL  
OROZCO, OSBALDO PUENTE,

*Defendants.*

## ORDER

Before the Court in the above-styled cause of action is Plaintiff's Motion for Service by a United States Marshal [#67]. By his motion, Plaintiff asks the Court to order service of Plaintiff's Third Amended Complaint on each of the newly named Defendants—Alfred Hassler, Albert Peralez, Manuel Puente, Manuel Orozco, and Osbaldo Puente—by the United States Marshals Service. The motion details Plaintiff's unsuccessful attempts to effectuate service on these Defendants at their place of employment, the John B. Connally Unit of the Texas Department of Criminal Justice.

The Federal Rules of Civil Procedure permit the Court to order service by United States marshal, and the Court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915, as here. Fed. R. Civ. P. 4(c)(3). However, this Court has an agreement for electronic service with the Texas Department of Criminal Justice to accept service on behalf

of its employees. The Court will therefore grant the motion in part and order electronic service on the new Defendants per the agreement.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Service by a United States Marshal [#67] is **GRANTED IN PART**.

**IT IS FURTHER ORDERED** that the Clerk forward the issued summonses for Defendants Alfred Hassler, Albert Peralez, Manuel Puente, Manuel Orozco, and Osbaldo Puente [#66], together with a copy of the Third Amended Complaint [#60] and a copy of this Order, by electronic means to [gloria.chandler@oag.texas.gov](mailto:gloria.chandler@oag.texas.gov), [leddocket@oag.texas.gov](mailto:leddocket@oag.texas.gov), and [elizabeth.mejia@oag.texas.gov](mailto:elizabeth.mejia@oag.texas.gov).

**IT IS FINALLY ORDERED** that Alfred Hassler, Albert Peralez, Manuel Puente, Manuel Orozco, and Osbaldo Puente, are hereby required to file answers or other responsive pleadings to Plaintiff's Third Amended Complaint as provided by Rule 12 of the Federal Rules of Civil Procedure. Defendants represented by the Attorney General's office shall have **40 days** from the date on which this Order is received to answer or otherwise plead in response to Plaintiff's claims, except any claims previously dismissed by the Court. Such responsive pleading shall constitute consent in writing to be served by electronic means, as well as waiver of service. **If any defendant chooses not to accept service through or be represented by the Attorney General's office (or cannot be located by the Attorney General's office within the required time period), the Attorney General shall file an Advisory to that effect within 40 days, and submit the Defendant's last known address under seal, whereupon the Court will order alternative service on that defendant.**

**IT IS SO ORDERED.**

SIGNED this 21st day of September, 2022.



The image shows a handwritten signature in black ink, appearing to read "Eliz. S. Chestney". Below the signature, there is a printed name in a serif font.

ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE